

W. SCOTT HEMPHILL  
517 Riblett Lane  
Wilmington, DE 19808

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LANCASTER COMPOSITE, INC., ) Case No.: No. 04-1414  
)  
Plaintiff, ) JURY TRIAL DEMANDED  
)  
vs. )  
)  
HARDCORE COMPOSITES OPERATIONS, LLC, )  
)  
and W. SCOTT HEMPHILL, )  
)  
Defendant )  
\_\_\_\_\_  
)

FILED  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2005 AUG 18 PM 2:07

RESPONSE TO FIRST SET OF INTERROGATORIES

Pursuant to rule 33 of the Federal Rules of Civil Procedure, Defendant, W. Scott Hemphill responds to Plaintiff, Lancaster Composite, Inc.'s First set of Interrogatories as follows:

**Interrogatory No. 1:**

Defendant Hemphill has never made, used sold or offered for sale any Composite Product on or after June 25<sup>th</sup>, 2005.

**Interrogatory No. 2:**

Defendant Hemphill has never made, used, sold or offered for sale any Composite Product before June 25<sup>th</sup>, 2005.

**Interrogatory No. 3:**

None.

**Interrogatory No. 4:**

None.

**Interrogatory No. 5:**

The '889 patent was not invented, merely copied from the work of the Defendant. First person testimony of Steve Shannon and Joel Barron, as well as documents already produced will affirm this. The lack of documentation, development, testing, prototype and produced product described by the '889 patent by the Plaintiff will also attest to this fact.

**Interrogatory No. 6:**

This question is too broad and ambiguous. All documents supporting the Defendants contentions have been produced. The following persons have knowledge of such contentions:

Steve Shannon

Joel Barron

Jeff Pote

Grant Corboy

George Greene

David Harris

**Interrogatory No. 7:**

Defendant cannot answer with any certainty when he became aware of the patents in question.

**Interrogatory No. 8:**

A written opinion was done by the firm of Niles and Niles and has been included in the document production.

**Interrogatory No. 9:**

The firm of Niles and Niles would have done prior art and/or validity searches, if conducted.

**Interrogatory No. 10:**

The definition of Composite Product is too broad and ambiguous to formulate an answer to this interrogatory question.

**Interrogatory No. 11:**

The definition of Composite Product is too broad and ambiguous to formulate an answer to this interrogatory question.

**Interrogatory No. 12:**

None.

**Interrogatory No. 13:**

I have first person witnessed testimony of Steve Shannon as well as written documents that affirm the charge of plagiarisms. Public records of the sale of composite fence posts to governmental agencies attest and support the on sale bar as well as the inequitable conduct of the Plaintiff. The documents have been produced by the Defendant and will be further supported by documents requested from the Plaintiff.

**Interrogatory No. 14:**

Steve Shannon

Joel Barron

Jeff Pote

Grant Corboy

George Greene

David Harris

Robert Greene

Robert Greene, Sr.

Robert Pianka

Patricia Greene

Milan Resanovich

Dr. James Argires

**Interrogatory No. 15:**

- a) I have not yet obtained any experts, but may if the need arises.

**Interrogatory No. 16:**

a) There are no documents that I am currently aware of that have not at this time been produced.

**Interrogatory No. 17:**

I plan to use all written resources available to me at trial. However at this time I have not yet identified those books, magazines or other writings.

**Interrogatory No. 18:**

I have no claim chart in my possession.

Dated this 18<sup>th</sup> day of August, 2005

  
W. SCOTT HEMPHILL  
517 Riblett Lane  
Wilmington, DE 19808

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LANCASTER COMPOSITE, INC.,	) Case No.: No. 04-1414 SLR
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Plaintiff,	) JURY TRIAL DEMANDED
	)
vs.	)
	)
HARDCORE COMPOSITES OPERATIONS, LLC ,	)
	)
and W. SCOTT HEMPHILL,	)
	)
Defendant	)
	)

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NOTICE OF SERVICE

I, W. Scott Hemphill, hereby certify that on this 18<sup>th</sup> day of August, 2005, I caused copies of this *Notice of Service* along with the Defendant W. Scott Hemphill's *Answers to Plaintiffs first set of Interrogatories* to be served as follows:

Via U.S. Mail

Seitz, Van Ogtrop & Green, P. A.  
George H. Seitz  
222 Delaware Avenue  
Suite 1500  
P.O. Box 68  
Wilmington, DE 19801

  
W. SCOTT HEMPHILL  
517 Riblett Lane  
Wilmington, DE 19808  
Defendant